

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI

UNITED STATES OF AMERICA

Plaintiff,

-vs-

Criminal Action No.
20-00266-01-CR-W-DGK

EARL B. PENN,

Defendant.

**MEMORANDUM OF MATTERS DISCUSSED AND
ACTION TAKEN AT PRETRIAL CONFERENCE**

The following matters were discussed and action taken during the pretrial conference:

PENDING CHARGE: Count One: Felon in Possession of a Firearm, in violation of 18 U.S.C. §§ 922(g)(1) and 924(a)(2)

TRIAL COUNSEL:

Government: Brandon Gibson & Joseph M. Marquez
Case Agent: Special Agent Timothy Phipps
Defense: Lesley D. Smith & Ronna Holloman-Hughes

OUTSTANDING MOTIONS: None presently.

ANTICIPATED MOTIONS: Defendant may file an additional Motion in Limine.

TRIAL WITNESSES:

Government: 5 with stipulations; 10 without stipulations
Defense: 10 witnesses, including Defendant who ☐ will
☒ may
☐ will not testify

TRIAL EXHIBITS:

Government: 43 exhibits
Defense: 20-30 exhibits which are expected to be duplicative;
approximately 7 exhibits listed

DEFENSES:

☒ defense of general denial
☐ defenses of general denial and _____

POSSIBLE DISPOSITION:

☒ Definitely for trial ☐ Possibly for trial
☐ Motion to continue to be filed ☐ Likely a plea will be worked out

TRIAL TIME: 2 – 2 ½ days

Government's case including jury selection: 1 ½ - 2 days

Defense case: ½ day

STIPULATIONS:

☐ not likely

☐ not appropriate

☒ likely as to:

☒ chain of custody

☐ chemist's reports

☒ prior felony conviction

☒ interstate nexus of firearm

☐ other: _____

UNUSUAL QUESTIONS OF LAW: None.

FILING DEADLINES:

The parties previously filed the following:

- Government's Proposed Witness List (Doc. 42)
- Government's Proposed Voir Dire (Doc. 43)
- Government's Proposed Exhibit List (Doc. 44)
- Government's Amended Proposed Exhibit List (Doc. 56)
- Government's Proposed Jury Instructions (Doc. 45)
- Defendant's Proposed Exhibit List (Doc. 46)
- Defendant's Proposed Jury Instructions (Doc. 47)
- Defendant's Proposed Witness List (Doc. 48)
- Defendant's Proposed Voir Dire (Doc. 49)
- Defendant's Motions in Limine (Doc. 50)
- Government's Response to Defendant's Motions in Limine (Doc. 55)
- Defendant's Reply to Government's Response to Defendant's Motion in Limine (Doc. 57)

An order granting in part and denying in part Defendant's Motions in Limine (Doc. 50) was entered on January 7, 2022. (Doc. 58)

Deadlines for amended filings, if any, are as follows:

Witness and Exhibit Lists:

Government: January 31, 2022

Defense: January 31, 2022

Counsel are requested to list witnesses in alphabetical order on their witness list.

Exhibit Index, Voir Dire, Jury Instructions: January 31, 2022

Jury instructions must comply with Local Rule 51.1

Motions in Limine: January 31, 2022

TRIAL SETTING: Criminal jury trial docket commencing February 14, 2022

Please note: AUSA Brandon Gibson requests week two of the docket because of an expected birth between now and the first week. Defense counsel has no objection to this request.

OTHER:

() A _____-speaking interpreter is required.

() Other assistive devices: _____

IT IS SO ORDERED.

/s/ Jill A. Morris
JILL A. MORRIS
United States Magistrate Judge